

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,
Plaintiff,
v.
JUDGE ELIA ORTEZ et. al.,
Defendants.

Case Nos. [23-cv-1282-PJH](#)
[23-cv-1415-PJH](#)
[23-cv-1416-PJH](#)
[23-cv-1575-PJH](#)
[23-cv-1576-PJH](#)
[23-cv-1577-PJH](#)
[23-cv-1579-PJH](#)
[23-cv-1580-PJH](#)
[23-cv-1581-PJH](#)
[23-cv-1582-PJH](#)
[23-cv-1625-PJH](#)
[23-cv-1627-PJH](#)
[23-cv-1667-PJH](#)
[23-cv-1668-PJH](#)
[23-cv-1669-PJH](#)
[23-cv-1670-PJH](#)
[23-cv-1671-PJH](#)
[23-cv-1673-PJH](#)
[23-cv-1728-PJH](#)
[23-cv-1729-PJH](#)
[23-cv-1730-PJH](#)
[23-cv-1731-PJH](#)
[23-cv-1732-PJH](#)

**ORDER DISMISSING MULTIPLE
CASES WITH PREJUDICE**

Plaintiff, a state prisoner, has filed multiple pro se civil rights complaints under 42 U.S.C. § 1983. Plaintiff is a condemned prisoner who also has a pending federal habeas petition in this court with appointed counsel. *See Bonilla v. Ayers*, Case No. 08-0471

1 YGR. Plaintiff is also represented by counsel in state court habeas proceedings. *See In*
2 *re Bonilla*, Case No. 20-2986 PJH, Docket No. 1 at 7.

3 Plaintiff presents nearly identical claims in these actions. He names as
4 defendants various federal and state judges and county officials. He seeks relief
5 regarding his underlying conviction or how his other cases were handled by the state and
6 federal courts.

7 To the extent that plaintiff seeks to proceed *in forma pauperis* (IFP) in these cases,
8 he has been disqualified from proceeding IFP under 28 U.S.C. § 1915(g) unless he is
9 “under imminent danger of serious physical injury” at the time he filed his complaint. 28
10 U.S.C. 1915(g); *In re Steven Bonilla*, Case No. 11-3180 CW; *Bonilla v. Dawson*, Case
11 No. 13-0951 CW.

12 The allegations in these complaints do not show that plaintiff was in imminent
13 danger at the time of filing. Therefore, he may not proceed IFP. Moreover, even if an
14 IFP application were granted, his lawsuits would be barred under *Heck v. Humphrey*, 512
15 U.S. 477, 486-87 (1994), *Younger v. Harris*, 401 U.S. 37, 43-54 (1971), *Demos v. U.S.*
16 *District Court*, 925 F.2d 1160, 1161-62 (9th Cir. 1991) or *Mullis v. U.S. Bankruptcy Court*,
17 828 F.2d 1385, 1393 (9th Cir. 1987). Accordingly, the cases are dismissed with
18 prejudice.

19 Furthermore, these are not cases in which the undersigned judge’s impartiality
20 might be reasonably questioned due to the repetitive and frivolous nature of the filings.
21 *See United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (absent legitimate
22 reasons to recuse himself or herself, a judge has a duty to sit in judgment in all cases
23 assigned to that judge).¹

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27 ¹ Plaintiff names the undersigned as defendant in one of these cases, though presents no
28 specific allegations. Case No. 23-cv-1577-PJH. Plaintiff does not seek recusal, nor is
recusal warranted in light of the frivolous nature of the case.

The clerk shall terminate all pending motions and close these cases. The clerk shall return, without filing, any further documents plaintiff submits in these closed cases.

IT IS SO ORDERED.

Dated: April 14, 2023

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge

United States District Court
Northern District of California